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RCE/1757

PTO/SB/30 (5/2000)  
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0651-0031

Request  
for  
Continued Examination (RCE)  
Transmittal

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application filed on or  
after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/681,405
Filing Date	3/30/01
First Named Inventor	James S. Vartuli
Group Art Unit	1754
Examiner Name	Steven J. Bos
Attorney Docket Number	RD-28060-3

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Reply to Advisory Action

10/08/2003 DTESSEM1 00000093 070868 09681405

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2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months: Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0868.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Toan P. Vo	Registration No. (Attorney/Agent)	43225
Signature		Date	October 2, 2003

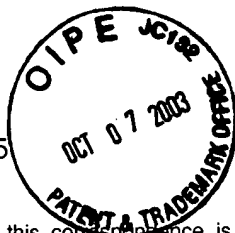
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CRD Pat. Form 3 (6/2000)

S.N. 09/681,405



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Kathleen B. LoBuglio

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

JAMES S. VARTULI et al.

Serial No. 09/681,405

Filed: March 30, 2001

For: INORGANIC ACICULAR BODIES AND

METHOD FOR PRODUCING THE SAME

Attorney Docket No. RD-28060-3

: Group Art Unit: 1754

: Examiner: STEVEN J. BOS

: Response to Paper No. 15

**REPLY TO ADVISORY ACTION**

HONORABLE COMMISSIONER OF PATENTS,

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

Sir:

In response to the Advisory Action dated September 25, 2003, please consider the following remarks.

**REMARKS**

The Examiner stated, in the Advisory Action dated September 25, 2003, that " 'a cross-sectional dimension less than about 20  $\mu\text{m}$ ' raises . . . the issue of new matter." The Applicants respectfully traverse this statement. Paragraph 0008 of the original specification provides support for this cross-sectional dimension. In addition, Paragraph 0023 discloses ". . . acicular shape having generally a polygonal cross section, a cross-sectional dimension of less than about 2  $\mu\text{m}$  . . . ."

None of the references that the Examiner has relied on discloses, teaches, or suggests all of the limitations of each of the pending claims. Therefore, pending claims are patentable over the cited references.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims at an early date is solicited.

Respectfully submitted,



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Schenectady, New York  
**October 2, 2003**